



**FARMERS
BRANCH**

ORDINANCE NO. 2150

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; SO AS TO GRANT A SPECIFIC USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN A RESTAURANT, LOCATED AT 14724 WEBB CHAPEL ROAD, THE SOUTHEAST CORNER OF WEBB CHAPEL ROAD AND GARDENBROOK DRIVE AND IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT, PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to granting a Specific Use Permit under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that a change in such zoning uses should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending the zoning map of the City of Farmers Branch so as to grant a Specific Use Permit for the sale of alcoholic beverages within a restaurant, located at 14724 Webb Chapel Road, the southeast corner of Webb Chapel Road and Gardenbrook Drive and in the Light Industrial (LI) zoning district.

SECTION 2. That the restaurant located at 14724 Webb Chapel shall be operated in accordance with Ordinance No. 1986, as heretofore amended, and in accordance with the approved site plan attached as Exhibit "A".

SECTION 3. That the exterior finish of the barbecue pit be comprised of brick matching the remainder of the building.

SECTION 4. That said restaurant shall serve beer and wine only.

SECTION 5. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended and by the granting of a specific use permit for a restaurant for the sale of alcoholic beverages in the Light Industrial zoning district.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense.

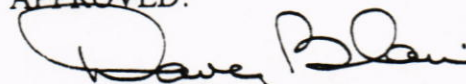
SECTION 7. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 8. In addition to all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 9. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such case provides.

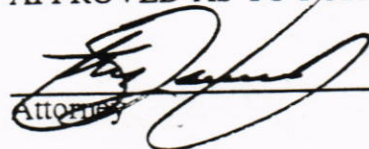
DULY PASSED BY THE CITY COUNCIL of the City of Farmers Branch, Texas, on this the
21st day of November, 1994.

APPROVED:

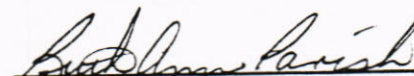


Mayor

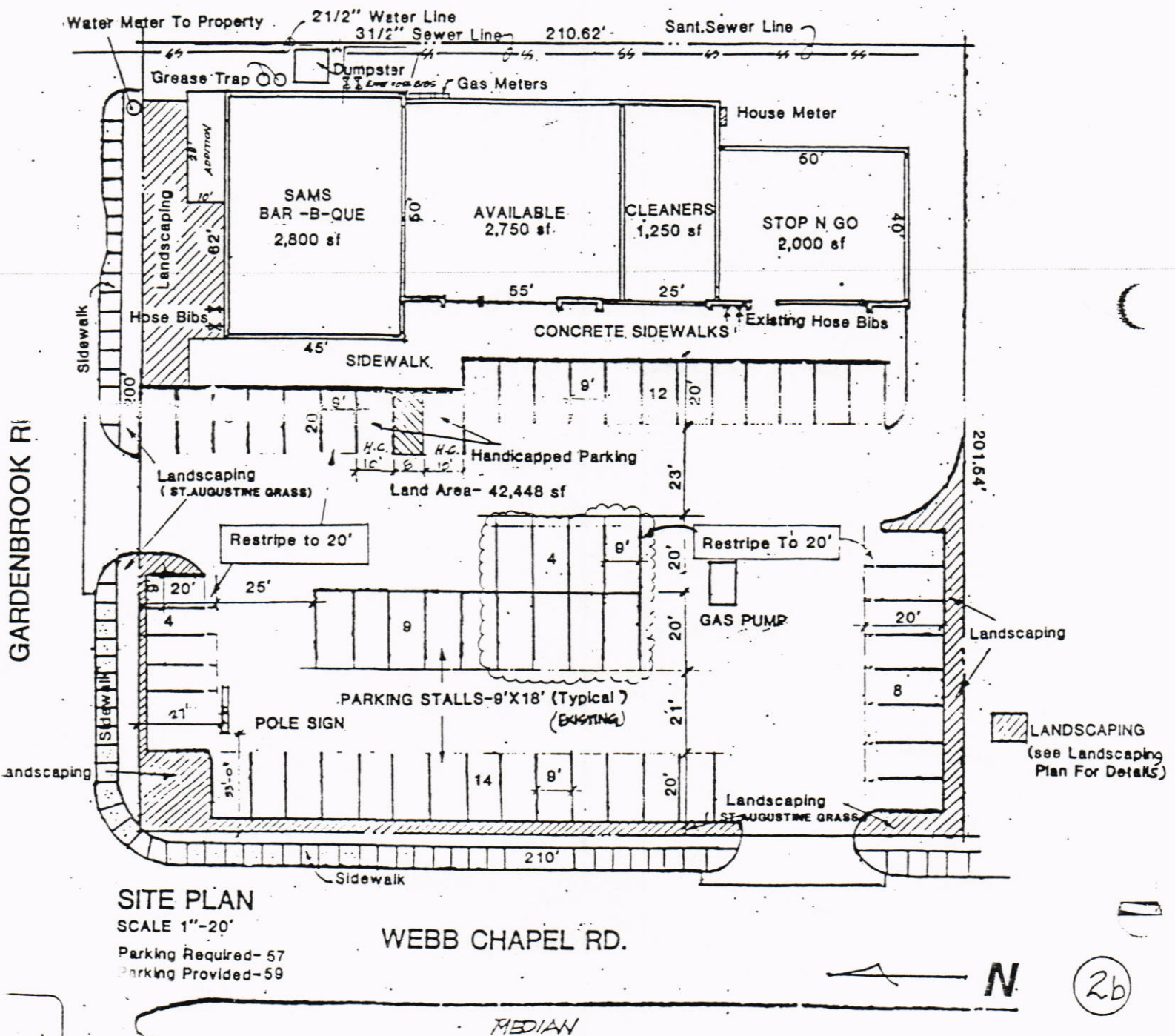
APPROVED AS TO FORM:


Attorney

ATTEST:


City Secretary

Sam's Bar-B-Que Site Plan



SITE DATA

Sam's Bar B Q

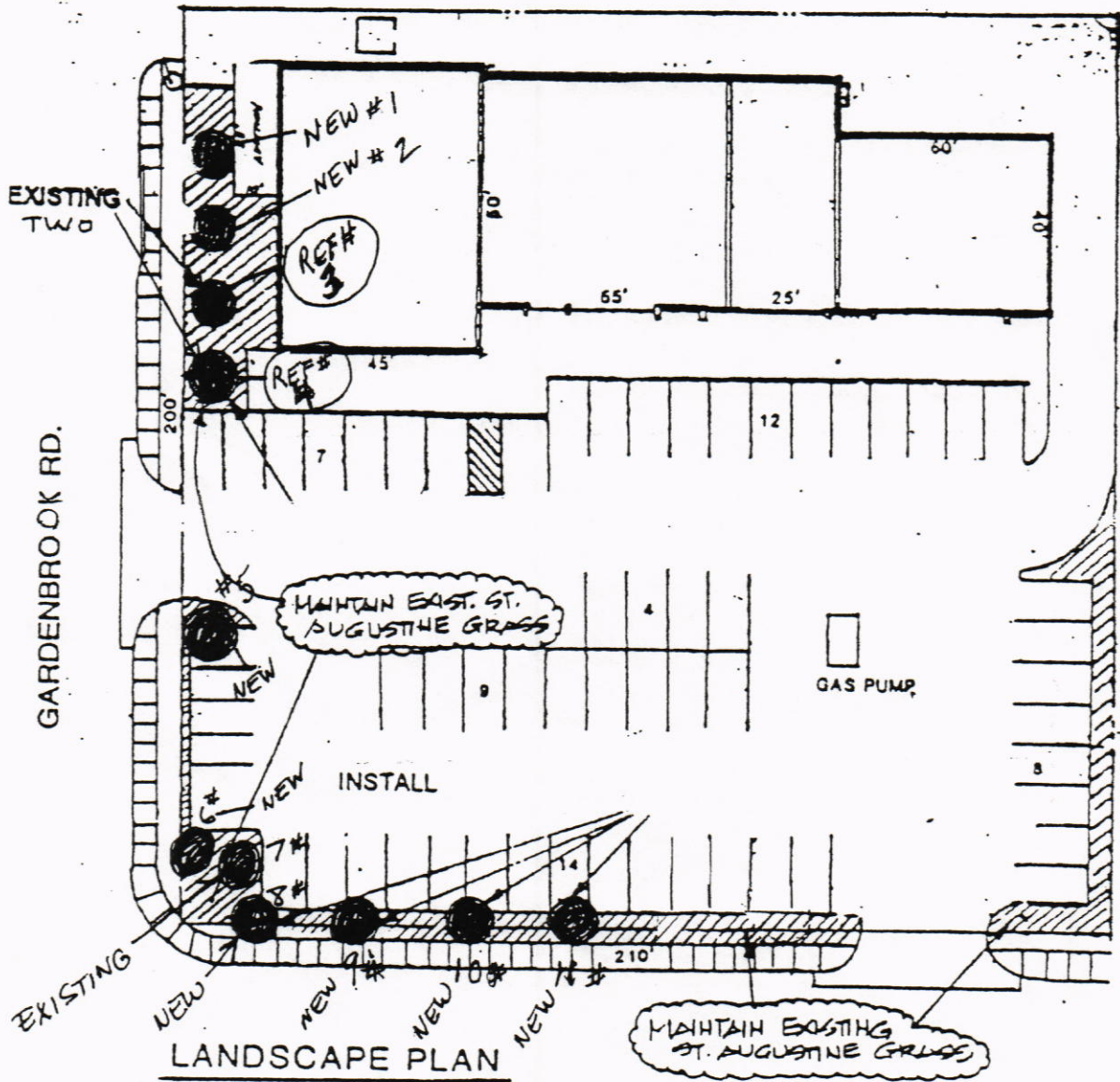
ZONING

BUILDING USE:	RESTAURANT & RETAIL	TOTAL BLDG.
	RESTAURANT - 2,800 S.F. RETAIL - 6,000 G.F.	8,800 S.F.
SITE AREA:	42,448 G.F. OR .97 AC.	
BUILDING AREA	8,800 G.F.	
BUILDING COVERAGE:	20.7%	
FAR	.21 (6,000 ÷ 42,448 = .21)	
LANDSCAPING:	59% REQUIRED (2,122 G.F.) 5.1% PROVIDED (2,176 G.F.)	
PARKING REQUIREMENTS:	RESTAURANT - 80 SEATS AT 1/3 SEATS = 27 RETAIL - 6000 G.F. — AT 1/200 S.F. = 30	
PARKING PROVIDED:	59	
PARKING REQUIRED	57	

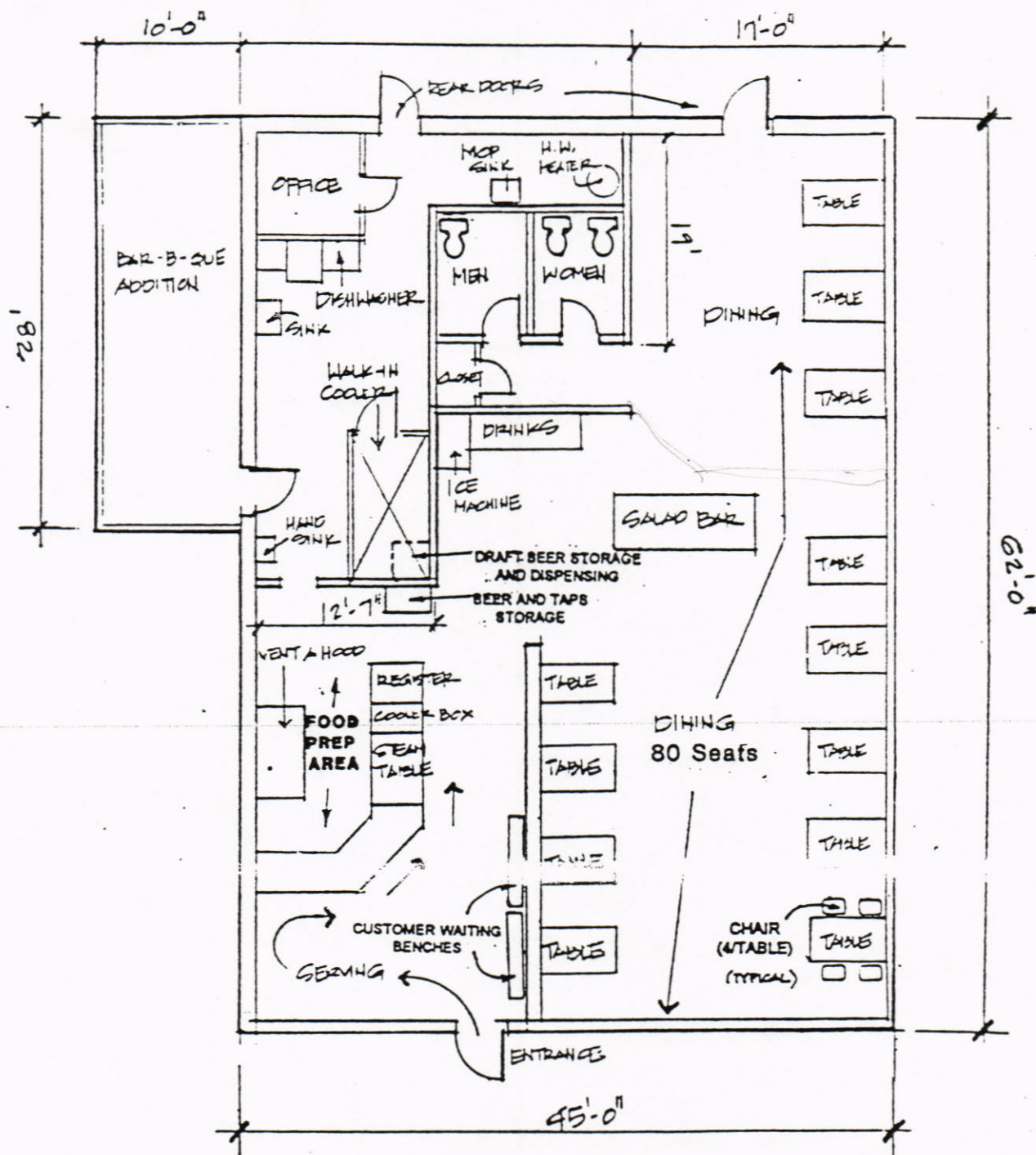
TJ's Famous BBQ
14724 Webb Chapel
Farmers Branch TX 75234

Landscape Plan

Diagram



(2d)



Floor Plan

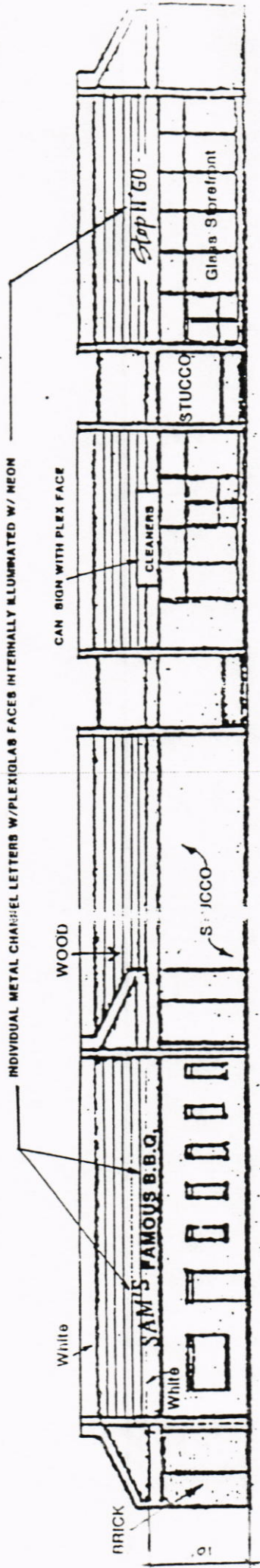
INTERIOR OF SAMS BAR-B-QUE

Scale 1/8"=1'

NOTES:

1. No bar provided.
2. Serving beer and wine only.
3. 80 seats provided.
4. Irrigation will be provided via hose bids.
5. Land area - 42,448 SF
6. Parking stalls for restaurant - 27 needed/28 provided.
7. 60% TO 90% GROSS FOOD SALES TO ALCOHOL SALES.

24
82
16
925 (47)



ELEVATION - Brick/Stucco, Wood Material Painted Brown EXT. OF CHURCH: BRICK & WHITE

West Elevation

(WEBB CHAPEL)

LAWS FOR ALCOHOLIC BEVERAGES FOR SAM'S FAMOUS B-B-Q

1. Request ID
2. Have customer remove from wallet
3. Verify date of birth
4. Match picture
5. Is it issued by the Texas Department of Public Safety?
6. Check expiration date
7. Is lamination glossy on front and frosted on back?
8. Be sure data is in computer type
9. Look for one-third photo and two-third data
10. Does photo start at the upper chest?
11. Match physical description
12. Make sure Driver's License has eight numbers
13. Check for signature
14. Ask customers to verify information:
 - year born
 - middle name or initial
 - address on driver's license
 - zip code on license
15. If out of state check ID with the right to refuse sale.
16. Certified Alcohol Personal on duty
17. Will abide by Texas Penal Code, Sec. 42.08
18. Abide by Texas alcoholic Beverage Code, Sec. 11.61, Sec. 61.71, Sec. 106.03, and Sec. 106.06
19. Will furnish transportation for intoxicated persons
20. Establishment has the right to refuse service to anyone.
21. Unlawful acts will be reported
22. No one will be permitted to take out alcoholic beverages.
23. No alcoholic beverages will be sold after closing.
24. No alcoholic beverages will be sold before opening.

DEFINITIONS OF PENAL AND BEVERAGE CODES

TEXAS PENAL CODE, SEC. 42.08

PUBLIC INTOXICATION

(a) "An individual commits an offense if he appears in a public place under the influence of alcohol or any other substance to the degree that he may endanger himself or another."

The fine is not less than \$1 nor more than \$200.

TEXAS ALCOHOLIC BEVERAGE CODE

SECTION 11.61

b) (14) "the permittee sold or delivered an alcoholic beverage to an intoxicated person."

SECTION 61.71

(a) (6) "The licensee sold, served, or delivered an alcoholic beverage to an intoxicated person."

The fine for the above is not less than \$100 nor more than \$1000 or by confinement in the county jail for not more than one year or by booth.

SECTION 106.03 SALE TO MINORS

(a) A person commits an offense if with criminal negligence he sells an alcoholic beverage to a minor.

(b) Except as provided in Subsection (c) of this section, a violation of this section is a misdemeanor punishable by a fine not less than \$100 nor more than \$500 by confinement in jail for not more than one year or by both.

SECTION 106.06 PURCHASE OF ALCOHOL FOR MINOR; FURNISHING ALCOHOL TO A MINOR

(a) except as provided in Subsection (b) of this section, a person commits an offense if he purchases an alcoholic beverage for or gives or knowingly makes available an alcoholic beverage to a minor.

(b) a person may purchase an alcoholic beverage for or give an alcoholic beverage to a minor if he is the minor's adult parent, guardian, or spouse, or an adult in whose custody the minor has been committed by a court, and he is visibly present when the minor possesses or consumes the alcoholic

beverage.

(c) a violation of this section is a misdemeanor punishable by a fine of not less than \$100 nor more than \$500.

NOTE: THE CERTIFIED ALCOHOL PERSON WILL BE THE PERSON RESPONSIBLE FOR THE SALE OF ALCOHOL. THEY WILL HAVE TAKEN A CLASS GIVEN BY THE TABC WHICH CERTIFIES THEM.

TJ's Famous BBQ
14724 Webb Chapel
Farmers Branch TX 75234

Schedule for Landscape Plan

Plant Type	Ref Number**	Install Date
Crape Myrtle	1	March 2004
Lingustrum	2	March 2004
Live Oak	3	Existing
Crape Myrtle	4	Existing
Crape Myrtle	5	October 2003
Lingustrum	6	April 2004
Crape Myrtle	7	Existing
Lingustrum	8	April 2004
Live Oak	9	October 2003
Crape Myrtle	10	November 2003
Crape Myrtle	11	November 2003

**See attached Landscape Plan Diagram

RECEIVED

AUG 28 2003

BUILDING INSPECTION
DEPARTMENT

OK for 2-0-03
C. J. [Signature]

DOCUMENT INFORMATION

(Please Print Legibly)

To: SIMON

Date: 8/29/03

Trade Name: TJ's Famous BBQ

Document Description: LANDSCAPE PLAN DIAGRAM / SCHEDULE

Contact Name: JOEL D RICH, ESQ Tel: 214 / 850-4000

*MINUTES OF A REGULAR MEETING
PLANNING AND ZONING COMMISSION*

FARMERS BRANCH, TEXAS

NOVEMBER 14, 1994

7:30 P.M.

COUNCIL CHAMBERS

CITY HALL PLAZA

Members of the Planning and Zoning Commission present:

Chairman
Vice Chairman

Roy Patton
Mark Saiter
Cassie Bledsoe
Kirk Connally
James Robbs
David Merritt
Bill Boudreau

Member of the Planning and Zoning Commission present, but not serving:

Alternate

Tom Hill

Member of the Planning and Zoning Commission not present:

Alternate

Austin Pittman

Members of the City Staff present:

Director of Planning
Planning Technician

Michael Spicer
Jan Cottle

Chairman Patton called the meeting to order at 7:30 p.m.

APPROVAL OF THE MINUTES OF THE OCTOBER 24, 1994 MEETING.

Chairman Patton asked if there were any corrections to the minutes. Mr. Connally made a motion to approve the minutes as submitted. With a second by Mr. Merritt, the minutes were approved unanimously.

PUBLIC HEARING: CONSIDER THE REQUEST OF CALVERT & COMPANY ARCHITECTS TO AMEND AN EXISTING SPECIFIC USE PERMIT FOR A CELLULAR COMMUNICATIONS ANTENNA 40 FEET IN HEIGHT TO BE INCREASED TO 65 FEET IN HEIGHT LOCATED AT 2740 VALWOOD PARKWAY SUITE 130, WITHIN THE VALWOOD SHOPPING CENTER ON THE SOUTH SIDE OF VALWOOD PARKWAY BETWEEN JOSEY LANE AND DENNIS LANE AND WITHIN THE LOCAL RETAIL-2 (LR-2) ZONING DISTRICT AND TAKE APPROPRIATE ACTION.

Mr. Spicer stated the applicant intends to replace the existing 40 foot antenna tower, approved in 1992, with an antenna 65 feet in height. The antenna tower is located behind the Valwood Shopping Center near the rear entrance to Suite 130, approximately 465 feet south of Valwood Parkway and 520 feet east of Josey Lane. It would be setback about 40 feet from the rear property line abutting Farmers Branch Park. The nearest residential property is located more than 600 feet away on the west side of Josey Lane.

Mr. Spicer stated the proposed antenna tower is comprised of a galvanized steel pole 65 feet tall with two antennas 8" by 48" each projecting outward.

Mr. Spicer stated the base of the tower will be enclosed within a 100 square foot area secured by a chain link fence 8 feet in height. All associated computer equipment is located within space leased inside Suite 130.

Mr. Spicer stated Staff recommends the Specific Use Permit for a cellular communications antenna 65 feet in height, located at 2740 Valwood Parkway, Suite 130, be approved as submitted.

Chairman Patton asked if the applicant was present.

Mr. Dick Calvert, Calvert & Company, 1301 Elm St., Carrollton, came forward and stated as the use of the existing antennas increases, the need for additional antennas or the need to increase the height of existing antennas likewise increases. The proposed height increase will help eliminate static on the line and decrease the likelihood that a person using a mobile phone will lose contact. The police department and the fire department make use of the cellular antennas as well.

Mr. Calvert stated the wave lengths used by cellular communications are totally different than the wave lengths used by television, commercial radio, or other household electronics. They cause no interference with any other system. Metrocel has a critical need for an antenna at this location and the antenna must be at or near the center of the cell. The 40 foot tall antenna was approved in 1992 at this location, however since its installation, the antenna has provided inadequate service. Metrocel has attempted to solve this problem through other means, but has been unsuccessful.

Mr. Calvert stated a surveyor determined the actual height of the existing light poles on the park property adjacent to this site to be 50 feet rather than the 40 feet Mr. Calvert was originally informed at the time the existing antenna was approved. In addition, with the grade differential of both properties, the light poles stand about 14 feet taller than the existing Metrocel pole.

Mr. Calvert stated Metrocel is now proposing streetlight style monopoles. These type poles are being installed in the residential areas for a softer appearance. The proposed 65 foot tall antenna pole would be less than eleven feet taller than the existing light standards in the immediate area. The additional height will allow Metrocel to provide the additional necessary coverage.

Mr. Calvert stated he requests the antenna be approved as submitted and that he is available for any questions the Commission may have.

Chairman Patton asked if anyone in the audience would like to speak for or against this request.

There being no response from the audience, Mr. Merritt made a motion to close the public hearing. With a second by Mr. Connally, the public hearing was closed unanimously.

Chairman Patton asked Staff how many mailed notices were sent to the surrounding property owners.

Mr. Spicer stated Staff notified 29 surrounding property owners of the request and recieved one response in favor.

Mr. Robbs made a motion to recommend the Specific Use Permit for a cellular communications antenna 65 feet in height at 2740 Valwood Parkway, Suite 130, be approved as submitted. With a second by Mr. Saiter, the motion passed unanimously.

PUBLIC HEARING: CONSIDER THE REQUEST OF JOHN SAM VELIS TO GRANT A SPECIFIC USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES WITHIN SAM'S BAR-B-QUE RESTAURANT LOCATED AT 14724 WEBB CHAPEL ROAD, THE SOUTHEAST CORNER OF WEBB CHAPEL ROAD AND GARDENBROOK DRIVE, AND WITHIN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT AND TAKE APPROPRIATE ACTION.

Mr. Spicer stated the subject property is the former Pizza Inn restaurant located at the north end

of the retail strip center at the southeast corner of Webb Chapel Road and Gardenbrook Drive.

Mr. Spicer stated alcohol sales in restaurants are permitted in this part of the City subject to approval of a Specific Use Permit and compliance with Ordinance No. 1986 which requires: a minimum area of 2,000 gross square feet, no exterior signage advertising alcohol sales, no drive-in or drive-thru service is permitted and no more than 40 percent of the restaurant's total gross sales can be attributed to alcohol sales.

Mr. Spicer stated Sam's Bar-B-Que restaurant which was issued a Certificate of Occupancy on November 2, 1994, seats 80 customers and is approximately 2,800 square feet in area. The applicant has proposed to restripe the parking lot, provide additional landscaping, and brick the barbecue pit along Gardenbrook to match the rest of the building. No bar or lounge is proposed.

Mr. Spicer stated the submitted application and proposed restaurant comply with all the requirements set forth in Ordinance No. 1986 necessary to request the Specific Use Permit.

Mr. Spicer stated Staff recommends the Specific Use Permit to allow the sale of alcoholic beverages within Sam's Bar-B-Que restaurant be approved with the condition the exterior finish of the barbecue pit be comprised of brick matching the remainder of the building.

Chairman Patton asked if the applicant was present.

Mr. John Sam Velis, 14724 Webb Chapel, Farmers Branch, came forward and stated this is a family style restaurant which serves business customers during the day and residents in the evening. Mr. Velis stated the restaurant is capable of seating 80 customers.

Mr. Connally asked Mr. Velis the type of alcohol he plans to serve.

Mr. Velis stated he is requesting the Specific Use Permit to serve alcohol, more specifically beer and wine coolers, to his customers in hopes of being able to compete with the Addison and other surrounding cities.

Chairman Patton asked if anyone in the audience would like to speak for or against this request.

There being no response from the audience, Ms. Bledsoe made a motion to close the public hearing. With a second by Mr. Saiter the public hearing was closed unanimously.

Chairman Patton asked Staff how many mailed notices were sent to the surrounding property owners.

Mr. Spicer stated Staff notified 20 surrounding property owners of the request and received two responses in favor and one opposed.

Mr. Merritt made a motion to recommend the Specific Use Permit to allow the sale of alcoholic

beverages within Sam's Bar-B-Que restaurant be approved in accordance with Staff's recommendation. With a second by Mr. Boudreau the motion passed unanimously.

PUBLIC HEARING: CONSIDER THE REQUEST OF ROBERT E. KEENER TO GRANT A SPECIFIC USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE SIZZLER RESTAURANT LOCATED AT 12675 JOSEY LANE, THE SOUTHWEST CORNER OF LINEVILLE DRIVE AND JOSEY LANE, AND WITHIN THE PLANNED DEVELOPMENT NUMBER 8 (PD-8) ZONING DISTRICT AND TAKE APPROPRIATE ACTION.

Mr. Spicer stated the subject property is the existing Sizzler restaurant located at the southwest corner of Lineville Drive and Josey Lane. The restaurant has been located and operating on this site since 1965 and is approximately 3,906 square feet in area.

Mr. Spicer stated alcohol sales in restaurants are permitted in this part of the City subject to approval of a Specific Use Permit and compliance with Ordinance No. 2062 which specifically regulates alcohol sales in the central area of Farmers Branch. Requirements include: alcoholic beverages shall only be served table side, from the kitchen or from other normal food service areas and no more than 20 percent of the restaurant's total gross sales can be attributed to alcohol sales. Bars are prohibited.

Mr. Spicer stated the submitted application and existing restaurant comply with all the requirements set forth in Ordinance No. 2062 necessary to request the Specific Use Permit.

Mr. Spicer stated Staff recommends the Specific Use Permit to allow the sale of alcoholic beverages within the Sizzler restaurant be approved as submitted.

Chairman Patton asked if the applicant was present.

Mr. Robert Keener, a family member and part owner of the Sizzler restaurant, 12675 Josey Lane, Farmers Branch, came forward and stated the Sizzler restaurant has been operating since 1965. With the growth of restaurants in Addison the number of customers coming to the Sizzler has decreased.

Mr. Keener stated they would like to request the Specific Use Permit to serve alcoholic beverages be approved to allow the Sizzler to better compete with the Addison restaurants and keep business within Farmers Branch.

Mr. Keener stated the Sizzler proposes to serve beer and wine only and in a conservative manner.

Chairman Patton asked if anyone in the audience would like to speak for or against this request.

Mr. Hollaway, 2909 Lavita, Farmers Branch, came forward and stated his only objection to the sale of alcohol is that this is a unique situation. Mr. Hollway stated the Sizzler restaurant is not located within a shopping center or restaurant area it is located specifically within a residential area. Mr. Hollaway stated this restaurant is surrounded by residential homes and apartments.

There being no one else to speak, Mr. Connally made a motion to close the public hearing. With a second by Mr. Saiter the public hearing was closed unanimously.

Chairman Patton asked Staff how many mailed notices were sent to the surrounding property owners.

Mr. Spicer stated Staff notified 36 surrounding property owners and received five responses in opposition.

Mr. Robbs stated he is familiar with the Sizzler restaurant and he is aware that the possibility of serving beer or wine with food may generate additional business and allow them to compete better with Addison and Carrollton restaurants.

Mr. Robbs stated he does not think this request is out of order.

Chairman Patton stated the central area is restricted to a food to beverage ration of 80:20.

Chairman Patton stated the 80:20 ratio is more restrictive than the 60:40 ratio permitted in the other parts of the city where alcohol sales are permitted.

Mr. Robbs stated the ordinance that was passed expanding the geographic area where alcoholic beverages could be sold was specifically formulated for this particular type business.

Mr. Connally stated he appreciated Mr. Hollaway's statement, that this is a unique area and it is a part of Planned Development 8 (PD-8) which extends to the corner of Valley View Lane and Josey Lane.

Mr. Connally stated it is unique in that it is surrounded on three sides by nonbusiness properties. However, when the ordinance was recommended by the Planning and Zoning Commission to the City Council, this area was discussed extensively and everyone was aware the Sizzler property was included within PD-8.

Mr. Connally stated since the restaurant complies with the existing alcohol ordinance he made a motion to recommend the Specific Use Permit to allow the sale of alcoholic beverages within the Sizzler restaurant located at 12675 Josey Lane be approved as submitted. With a second by Mr. Robbs, the motion passed unanimously.

PUBLIC HEARING: CONSIDER THE REQUEST OF P&P ENTERPRISES, INC., TO GRANT A SPECIFIC USE PERMIT FOR A MOTEL AT 14040 STEMMONS FREEWAY, APPROXIMATELY 250 FEET SOUTH OF VALWOOD PARKWAY ON THE EAST SIDE OF STEMMONS FREEWAY AND WITHIN THE FREEWAY SUBDISTRICT OF PLANNED DEVELOPMENT NUMBER 70 (PD-70) ZONING DISTRICT AND TAKE APPROPRIATE ACTION.

Mr. Spicer stated the proposed site is the existing C and K used auto sales and repair shop located on the east side of Stemmons Freeway, approximately 250 feet south of Valwood Parkway. The site is a "through" lot of about one acre having frontage on the Stemmons frontage road and Denton Drive. The Jack-in-the-box and Waffle House restaurants abut the site to the north. Arentco, a commercial equipment rental business, abuts the site to the south.

Mr. Spicer stated P&P Enterprises, Inc., proposes to erect a two-story, 50 unit Comfort Inn motel having a dark red/brown brick exterior and light gray stucco accents. The entire facility will be approximately 24,000 square feet in area. Primary access to all rooms will be through a central lobby leading to interior corridors. No rooms can be accessed directly from the parking lot area. Access to the property will be provided off the Stemmons frontage road and Denton Drive. Truck traffic will not be accommodated on-site. A swimming pool is the only amenity proposed. Approximately 24.4 percent of the site is to be landscaped; 5 percent is required.

Mr. Spicer stated motels are permitted with a Specific Use Permit in PD-70.

Mr. Spicer stated Staff recommends approval of the request with the following conditions:

1. That the irrigation plan be modified, subject to staff approval, to provide full coverage, yet prohibit overspray onto adjacent properties and streets.
2. That, subject to Staff approval, domestic water service be tapped in a manner which ensures free flow through all water lines to prevent stagnation.

Chairman Patton asked if the applicant was present.

Mr. Peter Maggiore of Maggiore Realty, 3004 Canyon Creek Drive, Suite 100, Richardson, Texas, representing Mr. Patel, came forward and stated Mr. Charles Reibenstein, architect and Mr. Gopal Patel, the owner of P&P Enterprises, are present to answer any questions the Commission may have regarding this request.

Chairman Patton asked if anyone in the audience would like to speak for or against this request.

There being no response, Mr. Merritt made a motion to close the public hearing. With a second by Mr. Connally, the public hearing was closed unanimously.

Chairman Patton asked Staff how many mailed notices were sent to the surrounding property owners.

Mr. Spicer stated City Staff notified 9 surrounding property owners of the request and received no responses.

Mr. Connally stated the proposed project is an attractive project, and the proposed location is currently an unattractive site, the proposed development will be a tremendous improvement.

Chairman Patton concurred with Mr. Connally.

Mr. Boudreau made a motion to recommend approval of the Specific Use Permit for a motel at 14040 Stemmons Freeway, with the conditions recommended by Staff. With a second by Mr. Robbs the motion passed unanimously.

PUBLIC HEARING: CONSIDER THE REQUEST OF CARL MONTGOMERY TO AMEND THE CITY HALL SUBDISTRICT OF THE PLANNED DEVELOPMENT NUMBER 70 (PD-70) ZONING DISTRICT TO ALLOW MOTOR VEHICLE SALES, INSTALLATIONS, AND REPAIR SUBJECT TO APPROVAL OF A SPECIFIC USE PERMIT, OR TO AMEND THE CITY HALL SUBDISTRICT'S WEST BOUNDARY, SOUTH TO VALLEY VIEW LANE, BY RELOCATING IT FROM THE CENTERLINE OF ROSSFORD STREET EAST TO THE CENTERLINE OF DENTON DRIVE AND TAKE APPROPRIATE ACTION.

Mr. Spicer stated the City Hall Subdistrict is one of three zoning subdistricts comprising the Planned Development No. 70 (PD-70) zoning district, also known as the Old Farmers Branch Special District. The other two subdistricts are the Freeway and General Business subdistricts.

Mr. Spicer stated the City Hall Subdistrict is generally bounded by Havenhurst Street and Valley View Lane to the north, Rawhide Creek to the south and east, and Rossford Street to the west. Rossford Street also serves as the east boundary of the abutting Freeway Subdistrict.

Mr. Spicer stated the applicant owns property located at 12731 Denton Drive, within the City Hall Subdistrict, and wants the lease a portion of it to a motorcycle sales and related services business. The City Hall Subdistrict expressly prohibits "motor vehicle sales of any type" and "motor vehicle repair of any type". Both of these uses are permitted with approval of a Specific Use Permit in the General Business Subdistrict and the Freeway Subdistrict.

Mr. Spicer stated introducing motor vehicle sales and repair uses in the City Hall Subdistrict conflicts with the Old Farmers Branch Area goals and objectives which are intended to foster and guide revitalization of the area. Relocating the west boundary of the City Hall Subdistrict, south of Valley View Lane, from Rossford Street to Denton Drive, would have essentially no effect on the remainder of the City Hall Subdistrict and would expand the range of potential uses

of the properties located between Rossford and Denton, south of Valley View Lane.

Mr. Spicer stated Staff recommends the west boundary of the City Hall Subdistrict, south of Valley View Lane, be relocated from Rossford Street to Denton Drive.

Chairman Patton asked if the applicant was present.

Mr. Carl Montgomery of 3431 Golfing Green, Farmers Branch, came forward and stated he is present to request the boundary of the City Hall Subdistrict be relocated as described by Staff.

Mr. Montgomery stated he is available for any questions the Commission may have.

Chairman Patton asked if anyone in the audience would like to speak for or against this request.

There being no response, Mr. Merritt made a motion to close the public hearing. With a second by Ms. Bledsoe, the public hearing was closed unanimously.

Chairman Patton stated the Commission has two options to consider this evening, one is to amend the City Hall Subdistrict to permit motor vehicle sales, installations, and repair subject to approval of a Specific Use Permit or amend the City Hall Subdistrict's west boundary line.

Mr. Connally stated to relocate the Freeway District's east boundary line to continue straight down Denton Drive appears to be the right decision and eliminate the two turns that bring the boundary line from Denton to Rossford and then back to Denton again.

Mr. Connally stated he is aware that the Commission can only act upon the section south of Valley View Lane, however Mr. Connally stated the entire section north and south of Valley View Lane should eventually be addressed.

Mr. Robbs stated he is in agreement with Mr. Connally and supports the idea of relocating the boundary line from Rossford Street to Denton Drive the entire length north and south of Valley View Lane.

Mr. Robbs stated he does not believe the City Hall Subdistrict should be amended to allow motor vehicle sales, installations and repair.

Chairman Patton stated he also is in agreement that the boundary line should be relocated from Rossford Street to Denton Drive. However, proper notification of property owners and the general public must be completed prior to the Commission making a motion on the entire area. Therefore, the Commission can only act upon the area south of Valley View Lane at this time.

There being no further discussion, Mr. Merritt made a motion to close the public hearing. With a second by Ms. Bledsoe, the public hearing was closed unanimously.

Chairman Patton asked City Staff how many surrounding property owners were notified of the request.

Mr. Spicer stated 135 property owners were notified of the proposed zoning change request and 4 responses were received, 3 in favor and 1 opposed.

Ms. Bledsoe made a motion to recommend the west boundary of the City Hall Subdistrict, south of Valley View Lane be relocated from Rossford Street to Denton Drive as recommended by City Staff. With a second by Mr. Saiter the motion passed unanimously.

PUBLIC HEARING: CONSIDER THE REQUEST OF KATHRYN BAKER MONTGOMERY TO GRANT A SPECIFIC USE PERMIT TO ALLOW MOTOR VEHICLE SALES, INSTALLATIONS, AND REPAIR AT 12731 DENTON DRIVE WITHIN THE CITY HALL SUBDISTRICT OF THE PLANNED DEVELOPMENT NUMBER 70 (PD-70) ZONING DISTRICT AND TAKE APPROPRIATE ACTION.

Mr. Spicer stated the proposed site is a 0.8 acre lot located approximately 900 feet south of Valley View Lane. It is a "through" lot having frontage on both Rossford Street and Denton Drive.

Mr. Spicer stated three adjoining structures presently occupy the property: (1) a one-story brick building containing 5,900 square feet of space which is being used as a ceramics shop, (2) a two-story single family residence, approximately 3,400 square feet in area, which is presently occupied, and (3) a one-story concrete block office/warehouse, approximately 1,200 square feet in area, which is currently vacant. All three of these structures are contiguous, however, there is no internal access between them.

Mr. Spicer stated the ceramics shop building fronts Denton Drive and is the space to be occupied by the motorcycle business.

Mr. Spicer stated existing land uses abutting the proposed site include: the DART park and ride facility to the north, Denton Drive and railroad right-of-way to the east, a motor vehicle installations and repair shop to the south, and Rossford Street and the Word of Faith church to the west.

Mr. Spicer stated Staff recommends the Specific Use Permit be granted subject to the following conditions:

1. That there be no outdoor storage or display of merchandise of any kind.
2. That the existing pole sign fronting Denton Drive be removed.

3. That should use of an on-site dumpster become necessary, its location and screening shall comply with requirements of the zoning district as is reasonably practicable and shall be subject to Staff approval.
4. That prior to the issuance of a Certificate of Occupancy all inoperable vehicles, outdoor storage and debris shall be removed from the property, the existing metal canopy along the north side of the building shall be removed or repaired, and all three contiguous buildings shall be painted.
5. That once the current occupant residing on-site vacates the premises, residential use of the property shall cease permanently.

Chairman Patton asked if the applicant was present.

Mr. Montgomery, came forward and stated all three structures have already been painted and he will comply with Staff's recommendation.

Chairman Patton opened the public hearing and asked if anyone in the audience would like to speak for or against this request.

There being no response, Mr. Merritt made a motion to close the public hearing. With a second by Mr. Connally the public hearing was closed unanimously.

Chairman Patton asked City Staff how many property owners were notified of the request.

Mr. Spicer stated 11 property owners were notified of the zoning request and no responses were received.

There being no further discussion, Mr. Robbs made a motion to recommend the Specific Use Permit be granted in accordance with Staff's recommendation. With a second by Boudreau the motion passed unanimously.

ADJOURNMENT

There being no further items on the agenda, Mr. Merritt made a motion to adjourn the meeting at 8:15 p.m. With a second by Mr. Boudreau, the meeting was adjourned unanimously.


Chairman


Secretary

Mr. Calvert stated the wave lengths used by cellular communications are totally different than the wave lengths used by television, commercial radio, or other household electronics. They cause no interference with any other system. Metrocel has a critical need for an antenna at this location and the antenna must be at or near the center of the cell. The 40 foot tall antenna was approved in 1992 at this location, however since its installation, the antenna has provided inadequate service. Metrocel has attempted to solve this problem through other means, but has been unsuccessful.

Mr. Calvert stated a surveyor determined the actual height of the existing light poles on the park property adjacent to this site to be 50 feet rather than the 40 feet Mr. Calvert was originally informed at the time the existing antenna was approved. In addition, with the grade differential of both properties, the light poles stand about 14 feet taller than the existing Metrocel pole.

Mr. Calvert stated Metrocel is now proposing streetlight style monopoles. These type poles are being installed in the residential areas for a softer appearance. The proposed 65 foot tall antenna pole would be less than eleven feet taller than the existing light standards in the immediate area. The additional height will allow Metrocel to provide the additional necessary coverage.

Mr. Calvert stated he requests the antenna be approved as submitted and that he is available for any questions the Commission may have.

Chairman Patton asked if anyone in the audience would like to speak for or against this request.

There being no response from the audience, Mr. Merritt made a motion to close the public hearing. With a second by Mr. Connally, the public hearing was closed unanimously.

Chairman Patton asked Staff how many mailed notices were sent to the surrounding property owners.

Mr. Spicer stated Staff notified 29 surrounding property owners of the request and recieved one response in favor.

Mr. Robbs made a motion to recommend the Specific Use Permit for a cellular communications antenna 65 feet in height at 2740 Valwood Parkway, Suite 130, be approved as submitted. With a second by Mr. Saiter, the motion passed unanimously.

PUBLIC HEARING: CONSIDER THE REQUEST OF JOHN SAM VELIS TO GRANT A SPECIFIC USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES WITHIN SAM'S BAR-B-QUE RESTAURANT LOCATED AT 14724 WEBB CHAPEL ROAD, THE SOUTHEAST CORNER OF WEBB CHAPEL ROAD AND GARDENBROOK DRIVE, AND WITHIN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT AND TAKE APPROPRIATE ACTION.

Mr. Spicer stated the subject property is the former Pizza Inn restaurant located at the north end

of the retail strip center at the southeast corner of Webb Chapel Road and Gardenbrook Drive.

Mr. Spicer stated alcohol sales in restaurants are permitted in this part of the City subject to approval of a Specific Use Permit and compliance with Ordinance No. 1986 which requires: a minimum area of 2,000 gross square feet, no exterior signage advertising alcohol sales, no drive-in or drive-thru service is permitted and no more than 40 percent of the restaurant's total gross sales can be attributed to alcohol sales.

Mr. Spicer stated Sam's Bar-B-Que restaurant which was issued a Certificate of Occupancy on November 2, 1994, seats 80 customers and is approximately 2,800 square feet in area. The applicant has proposed to restripe the parking lot, provide additional landscaping, and brick the barbecue pit along Gardenbrook to match the rest of the building. No bar or lounge is proposed.

Mr. Spicer stated the submitted application and proposed restaurant comply with all the requirements set forth in Ordinance No. 1986 necessary to request the Specific Use Permit.

Mr. Spicer stated Staff recommends the Specific Use Permit to allow the sale of alcoholic beverages within Sam's Bar-B-Que restaurant be approved with the condition the exterior finish of the barbecue pit be comprised of brick matching the remainder of the building.

Chairman Patton asked if the applicant was present.

Mr. John Sam Velis, 14724 Webb Chapel, Farmers Branch, came forward and stated this is a family style restaurant which serves business customers during the day and residents in the evening. Mr. Velis stated the restaurant is capable of seating 80 customers.

Mr. Connally asked Mr. Velis the type of alcohol he plans to serve.

Mr. Velis stated he is requesting the Specific Use Permit to serve alcohol, more specifically beer and wine coolers, to his customers in hopes of being able to compete with the Addison and other surrounding cities.

Chairman Patton asked if anyone in the audience would like to speak for or against this request.

There being no response from the audience, Ms. Bledsoe made a motion to close the public hearing. With a second by Mr. Saiter the public hearing was closed unanimously.

Chairman Patton asked Staff how many mailed notices were sent to the surrounding property owners.

Mr. Spicer stated Staff notified 20 surrounding property owners of the request and received two responses in favor and one opposed.

Mr. Merritt made a motion to recommend the Specific Use Permit to allow the sale of alcoholic

beverages within Sam's Bar-B-Que restaurant be approved in accordance with Staff's recommendation. With a second by Mr. Boudreau the motion passed unanimously.

PUBLIC HEARING: CONSIDER THE REQUEST OF ROBERT E. KEENER TO GRANT A SPECIFIC USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE SIZZLER RESTAURANT LOCATED AT 12675 JOSEY LANE, THE SOUTHWEST CORNER OF LINEVILLE DRIVE AND JOSEY LANE, AND WITHIN THE PLANNED DEVELOPMENT NUMBER 8 (PD-8) ZONING DISTRICT AND TAKE APPROPRIATE ACTION.

Mr. Spicer stated the subject property is the existing Sizzler restaurant located at the southwest corner of Lineville Drive and Josey Lane. The restaurant has been located and operating on this site since 1965 and is approximately 3,906 square feet in area.

Mr. Spicer stated alcohol sales in restaurants are permitted in this part of the City subject to approval of a Specific Use Permit and compliance with Ordinance No. 2062 which specifically regulates alcohol sales in the central area of Farmers Branch. Requirements include: alcoholic beverages shall only be served table side, from the kitchen or from other normal food service areas and no more than 20 percent of the restaurant's total gross sales can be attributed to alcohol sales. Bars are prohibited.

Mr. Spicer stated the submitted application and existing restaurant comply with all the requirements set forth in Ordinance No. 2062 necessary to request the Specific Use Permit.

Mr. Spicer stated Staff recommends the Specific Use Permit to allow the sale of alcoholic beverages within the Sizzler restaurant be approved as submitted.

Chairman Patton asked if the applicant was present.

Mr. Robert Keener, a family member and part owner of the Sizzler restaurant, 12675 Josey Lane, Farmers Branch, came forward and stated the Sizzler restaurant has been operating since 1965. With the growth of restaurants in Addison the number of customers coming to the Sizzler has decreased.

Mr. Keener stated they would like to request the Specific Use Permit to serve alcoholic beverages be approved to allow the Sizzler to better compete with the Addison restaurants and keep business within Farmers Branch.

Mr. Keener stated the Sizzler proposes to serve beer and wine only and in a conservative manner.

Chairman Patton asked if anyone in the audience would like to speak for or against this request.



MEMORANDUM

From: The Office of the Community Services

Date: 11-14-94

Subject: AMENSA ITEM NO. 3

PUBLIC HEARING: CONSIDER THE REQUEST OF JOHN SAM VELIS TO GRANT A SPECIFIC USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES WITHIN SAM'S BAR-B-QUE RESTAURANT LOCATED AT 1474 WEBB CHAPEL ROAD, THE SOUTHEAST CORNER OF WEBB CHAPEL ROAD AND GARDENBROOK DRIVE, AND WITHIN THE LIGHT INDUSTRIAL (LI1) ZONING DISTRICT AND TAKE APPROPRIATE ACTION.

EXPLANATION

The subject property is the former pizza Inn restaurant located at the north end of the retail strip center at the southeast corner of Webb Chapel Road and Gardenbrook Drive.

Alcohol sales in restaurants are permitted in this part of the City subject to approval of a Specific Use Permit and compliance with Ordinance No. 1986 which specifically regulates alcohol sales in the General Business Requirements section. The area of 3,000 gross square feet, no outdoor signage advertising alcohol sales, no drive-in or drive-thru service is permitted and no more than 40 percent of the restaurant's total gross sales can be attributed to alcohol sales.

Sam's Bar-B-Que restaurant which was issued a Certificate of Occupancy on November 2, 1994, has 80 customers and is approximately 1,000 square feet in area. The applicant has requested to restrict the parking lot, provide additional landscaping, brick the barbecue pit along Gardenbrook to match the rest of the building. No bar or lounge is proposed.

The submitted application and proposed restaurant comply with all the requirements set forth in Ordinance No. 1986 necessary to request the Specific Use Permit.

RECOMMENDATION

Staff recommends the Specific Use Permit to allow the sale of alcoholic beverages within Sam's Bar-B-Que restaurant be approved with the condition the exterior finish of the barbecue pit be comprised of brick matching the remainder of the building.

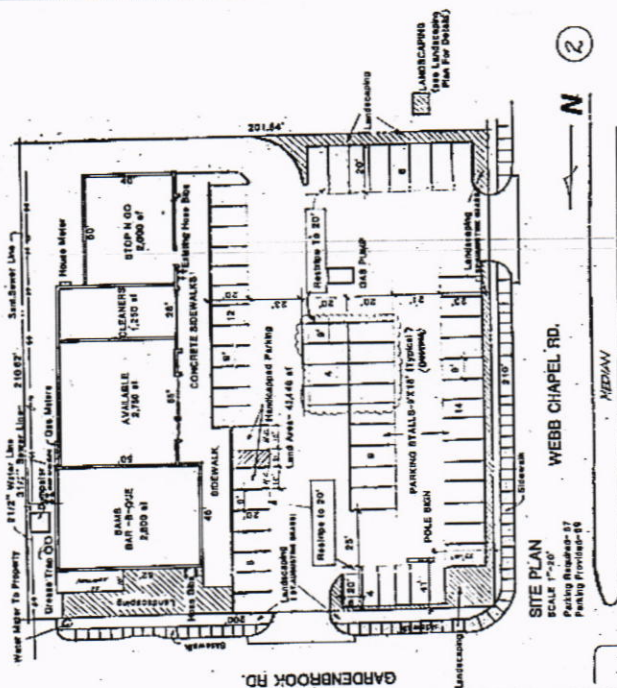
ACTION BY COMMISSION

1. Motion to recommend the Specific Use Permit to allow the sale of alcoholic beverages within Sam's Bar-B-Que restaurant be approved with the condition recommended by Staff.
2. Motion to recommend the Specific Use Permit be approved with other conditions (any conditions desired by the Commission).
3. Motion to recommend the Specific Use Permit be denied.
4. Any other action desired by the Commission.

Attachments:

1. Location sketch.
2. Site plan.
3. Site sketch.
4. Landscaping plan.
5. Floor plan.
6. Elevation.
7. Alcohol awareness documentation.
8. Alcohol Ordinance No. 1986
9. Information memorandum.
10. Summary of mailed notices.

Sam's Bar-B-Que Site Plan



SITE DATA	
Sam's Bar B Q	
ZONING	COMMERCIAL 1.5
BUILDING USE	RESTAURANT & BAR
SITE AREA	41,400 SF
BUILDING AREA	8,800 G.F.
BUILDING COVERAGE	21.2%
PAR	1.5
LANDSCAPING	51% REQUIRED (21,120 SF) 51% PROVIDED (21,120 SF)
PARKING REQUIREMENTS	RESTAURANT - 80 CARS AT 1/2 CARS = 40 RETAIL - 600 CARS AT 1/2 CARS = 300
PARKING PROVIDED	51
PARKING REQUIRED	51

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LAWS FOR ALCOHOLIC BEVERAGES FOR EMT'S MANUAL B-11-Q

1. Request ID
2. Have customer remove from wallet
3. Verify date of birth
4. Match picture
5. Is it issued by the Texas Department of Public Safety?
6. Check expiration date
7. Is lamination glossy on front and frosted on back?
8. Be sure data is in computer type
9. Look for one-third photo and two-third data
10. Does photo start at the upper chest?
11. Match physical description
12. Make sure Driver's License has eight numbers
13. Check for signature
14. Ask customers to verify information:
 - year born
 - middle name or initial
 - address on driver's license
 - zip code on license
15. If out of state check ID with the right to refuse sale.
16. Certified Alcohol Personal on duty
17. Will Abide by Texas Penal Code, Sec. 42.09
18. Abide by Texas Alcoholic Beverage Code, Sec. 11.61, Sec. 61.71, Sec. 106.03, and Sec. 106.06
19. Will furnish transportation for intoxicated persons
20. Establishment has the right to refuse service to anyone.
21. Unlawful acts will be reported
22. No one will be permitted to take out alcoholic beverages.
23. No alcoholic beverages will be sold after closing.
24. No alcoholic beverages will be sold before opening.

Alcohol Awareness Documentation

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DEFINITIONS OF PENAL AND BEVERAGE CODES

TEXAS PENAL CODE, SEC. 42.08

PUBLIC INTOXICATION

(a) "An individual commits an offense if he appears in a public place under the influence of alcohol or any other substance to the degree that he may endanger himself or another."

The fine is not less than \$1 nor more than \$200.

TEXAS ALCOHOLIC BEVERAGE CODE

SECTION 11.61

b) (14) "the permittee sold or delivered an alcoholic beverage to an intoxicated person."

SECTION 61.71

(a) (6) "The licensee sold, served, or delivered an alcoholic beverage to an intoxicated person."

The fine for the above is not less than \$100 nor more than \$1000 or by confinement in the county jail for not more than one year or by both.

SECTION 106.03 SALE TO MINORS

(a) A person commits an offense if with criminal negligence he sells an alcoholic beverage to a minor.

(b) Except as provided in Subsection (c) of this section, a violation of this section is a misdemeanor punishable by a fine not less than \$100 nor more than \$500 by confinement in jail for not more than one year or by both.

SECTION 106.06 PURCHASE OF ALCOHOL FOR MINOR; FURNISHING ALCOHOL TO A MINOR

(a) except as provided in Subsection (b) of this section, a person commits an offense if he purchases an alcoholic beverage for or gives or knowingly makes available an alcoholic beverage to a minor.

(b) a person may purchase an alcoholic beverage for or give an alcoholic beverage to a minor if he is the minor's adult parent, guardian, or spouse, or an adult in whose custody the minor has been committed by a court, and he is visibly present when the minor possesses or consumes the alcoholic

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INFORMATION MEMORANDUM

Mr. John Sam Velis was recently issued a Certificate of Occupancy on November 2, 1994 for the Sam's Bar-B-Que restaurant at 14724 Webb Chapel and would like to add beer and wine only to his menu, but has no plans for a bar. However, if in the future Mr. Velis would like to add a bar to Sam's Bar-B-Que restaurant he would be required to amend the Specific Use Permit and appear before the Planning and Zoning Commission and City Council.

Mr. Velis has constructed a 280 square foot barbecue pit at the northeast corner of the building and has made substantial interior improvements to the site. In addition, Mr. Velis proposes to restrip the parking lot and provide additional landscaping which includes seven live oak trees around the perimeter of the property.

Staff recommends the Specific Use Permit to allow the sale of alcoholic beverages within Sam's Bar-B-Que restaurant be approved with the condition the exterior finish of the barbecue pit be comprised of brick matching the remainder of the building.

Prepared by: Jan Castle, Planning Department
November 10, 1994

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PROPERTY OWNERS LIST 94-35

LOCATION: 14724 WEBB CHAPEL

NO. NAME ADDRESS/CITY RETURNED APP. OPP. NO RESP.

1. W.C. ROFER, DDS TRUSTEE 14800 WEBB CHAPEL FARMERS BRANCH, TX 75234
2. DAVID KENNINGTON 2777 STEMMONS FWY DALLAS, TX 75207
3. DAVID H. KENNINGTON 2777 STEMMONS FWY DALLAS, TX 75234
4. BRYAN & JAMES MORRISON 3108 GARDENBROOK FARMERS BRANCH, TX 75234
5. RICHARD HARDIN ET AL 11205 NORTHLAND DALLAS, TX 75234
6. POPY FAMILY LTD PTNR 432 HYER STREET DALLAS, TX 75205
7. CLARISSA M. BERRY 4323 TWIN POST OAK RD DALLAS, TX 75244
8. WILLIE SUE DANIEL 3137 GOLDEN OAK CT FARMERS BRANCH, TX 75234
9. ORRENA H. HEROD 3139 GOLDEN OAK FARMERS BRANCH, TX 75234
10. MARGERY B. HEGMANN 3141 GOLDEN OAK CT FARMERS BRANCH, TX 75234
11. NANCY A. KASBECK 3219 WILSPRING OAK FARMERS BRANCH, TX 75234

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